

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

PETITION OF WINDSTREAM KENTUCKY)	
EAST, LLC FOR COMMISSION REVIEW AND)	
REVERSAL OF A DECISION OF THE NORTH)	CASE NO.
AMERICAN NUMBER POOLING)	2011-00151
ADMINISTRATION WITH RESPECT TO)	
NUMBERING RESOURCES IN THE 270 AREA)	
CODE)	

O R D E R

On April 29, 2011, Windstream Kentucky East, LLC, (“Windstream”) filed a petition requesting this Commission review and overturn a determination by the North American Numbering Plan Administration (“NANPA”).¹ The petition was filed pursuant to 47 C.F.R. §52.15(g)(4) wherein the Commission is granted the authority to “overturn the NANPA’s decision to withhold numbering resources from the carrier based on its determination that the carrier has demonstrated a verifiable need for numbering resources and has exhausted all other available remedies.”

Windstream explains that the assignment of a single thousand’s block of numbers is needed for a new Metaswitch to be implemented by Windstream in Lebanon, Kentucky.² Specifically, Windstream is implementing a new Metaswitch in Lebanon to provide new services to persons and entities not currently affiliated with

¹ The NANPA is an independent non-governmental entity selected by the Federal Communications Commission (“FCC”) and is responsible for administering and managing the North American Numbering Plan (“NANP”). Neustar, Inc. is currently contracted by the FCC as the NANPA and Pooling Administrator.

² See Windstream’s Petition for Review.

Windstream. The additional numbering resources will allow Windstream to provide reliable and adequate service to users to be served by the switch. Without this block of numbers, Windstream will be unable to provide new services not currently available on Windstream's other switches.

Windstream does not have sufficient number resources available within its inventory in the available pool for the specified wire center in the Lebanon rate center and is unable to satisfy its needs for numbering resources. Hence, on April 28, 2011, Windstream filed a request with the NANPA for the assignment of one thousand's block of numbers in the Lebanon rate center in order to address Windstream's need to implement a new Metaswitch in Lebanon, Kentucky.³ The application process with the NANPA requires the submission of information used for a Months-To-Exhaust ("MTE") and Utilization Certification Worksheet ("Worksheet") pertaining to the affected rate center.⁴ Based on the submitted information and resulting calculations, the NANPA concluded that Windstream did not meet the FCC's MTE requirements of six months or less, but did meet the utilization threshold of 75 percent.⁵ Therefore, NANPA determined that Windstream's request for additional numbering resources should be denied.

The NANPA is not a policy-making entity. In making assignment decisions, the

³ Specifically, the code block request submitted by Windstream was for its Lebanon switch, but current FCC rules require the evaluation of number utilization for the entire rate center before assignment of new numbering resources.

⁴ In accordance with 47 C.F.R. §52.15(g)(3), the MTE and utilization level are calculated by the Worksheet based on various inputs supplied by the applying carrier.

⁵ According to the Worksheet, the MTE for the Lebanon rate center was calculated to be 119.444 months with a utilization rate of 81.514 percent.

NANPA follows regulatory directives and industry-developed guidelines. The NANPA's responsibilities are defined in FCC rules and in comprehensive technical requirements drafted by the telecommunications industry and approved by the FCC.⁶

Pursuant to 47 C.F.R. §52.15(g)(4), this Commission may overturn the NANPA determination if the requesting carrier has demonstrated a verifiable need for numbering resources and that all other available remedies have been exhausted. The Commission finds that Windstream has demonstrated a verifiable need for additional numbering resources by presenting its request for a one thousand's block of numbers for the new Metaswitch. Windstream advises that it will be unable to provide reliable and adequate service to telecommunications users in Lebanon without additional numbering resources in the Lebanon rate center. Due to the NANPA's denial of numbering resources, Windstream will be unable to provide new services using the new Metaswitch. The Commission further finds that Windstream has exhausted all available remedies in the Lebanon rate center to the extent that no combination of existing numbering resources in the Lebanon rate center can be employed to meet its need for one thousand's block of numbers.

This Commission finds that the NANPA determination to deny Windstream the additional numbering resources described herein should be overturned and the NANPA directed to assign to Windstream a single thousand's block of numbers in the Lebanon rate center. The Commission notes that the numbering resources considered in this Order are to be assigned for the sole use of serving Windstream's need to implement its new Metaswitch in the Lebanon rate center. If the numbering resources requested by

⁶ See generally, 47 C.F.R. §52.

Windstream are not needed to meet its service requirements, the associated numbering resources approved in this Order should be returned to the NANPA and may not be utilized to serve other customers without first meeting the NANPA numbering resource guidelines.

IT IS THEREFORE ORDERED that:

1. Windstream's Petition regarding the NANPA's denial of its application for assignment of additional numbering resources in the 270 Numbering Plan Area is granted.

2. The decision of the NANPA denying Windstream's request for assignment of a single thousand's block of numbers in the Lebanon rate center is hereby overturned.

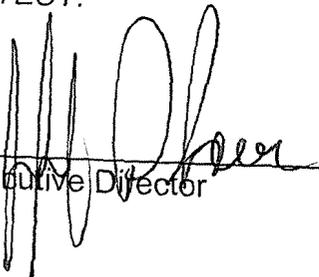
3. The NANPA shall assign Windstream one thousand's block of numbers in the Lebanon rate center.

4. The numbering resources considered in this Order are to be assigned for the sole use of serving Windstream's need to implement its new Metaswitch in the Lebanon rate center. If the numbering resources requested by Windstream are not needed to meet its service requirements, the associated numbering resources approved in this Order shall be returned to the NANPA.

By the Commission

ENTERED 
MAY 25 2011
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:


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